

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DONNY RAYMOND ESTRADA,)	NO. ED CV 09-2125-AG(E)
)	
Petitioner,)	
)	
v.)	ORDER ADOPTING FINDINGS,
)	
HEDGEPEETH, Warden,)	CONCLUSIONS AND RECOMMENDATIONS
)	
Respondent.)	OF UNITED STATES MAGISTRATE JUDGE
)	
_____)	

Pursuant to 28 U.S.C. section 636, the Court has reviewed the Petition, all of the records herein and the attached Report and Recommendation of United States Magistrate Judge. The Court approves and adopts the Magistrate Judge's Report and Recommendation. The Court also observes that, in a decision filed subsequent to the Report and Recommendation, the United States Court of Appeals for the Ninth Circuit held that there is no "actual innocence" exception to the one-year statute of limitations applicable to habeas corpus petitions filed by state prisoners. See Lee v. Lampert, ___ F.3d ___, 2010 WL 2652505 (9th Cir. July 6, 2010).

///

1 IT IS ORDERED that: (1) the Report and Recommendation is
2 approved and adopted; (2) Petitioner's request for an evidentiary
3 hearing is denied; and (3) Judgment be entered denying and dismissing
4 the Petition with prejudice.

5
6 IT IS FURTHER ORDERED that the Clerk serve copies of this Order,
7 the Magistrate Judge's Report and Recommendation and the Judgment
8 herein by United States mail on Petitioner and counsel for
9 Respondent.

10
11 LET JUDGMENT BE ENTERED ACCORDINGLY.

12
13 DATED: July 30, 2010.

14
15 

16
17 _____
18 ANDREW J. GUILFORD
19 UNITED STATES DISTRICT JUDGE
20
21
22
23
24
25
26
27
28